



## **Request for City Council Committee Action From the Department of Public Works**

Date: February 4, 2003

To: Transportation and Public Works Committee

**Subject:** Resolution for Amendment #1 to City/County Construction Cooperative Agreement for Washington Avenue N Reconstruction Project (County Agreement #PW 40-20-00 and City Contract #16181/City Project SAP 141-020-63)

**Recommendation:** Passage and Summary Publication of the Approved Amendment.  
(Complete action required in the final report, including fund-agency-org, contract number and amendment number, if applicable)

**Previous Directives:** Council Action, of June 7, 2002, authorizing the execution of the amendment pending satisfactory review by the City Attorney. Resolution 2001R-040, dated February 2, 2001, amending the 2001 Capital Improvement Appropriation Resolution. Council Action, of February 2, 2001, authorizing the execution of Agreement.

Prepared or Submitted by: Jack Yuzna, Engineer III, 673-2415

Approved: Brian Lokkesmoe, P. E., Interim City Engineer, Director of Public Works

By: Paul W. Ogren \_\_\_\_\_

Presenters in Committee: Jack Yuzna, Engineer III

### **Financial Impact** (Check those that apply)

☒ No financial impact - or - Action is within current department budget.  
(If checked, go directly to Background/Supporting Information)

☐ Action requires an appropriation increase to the Capital Budget

☐ Action requires an appropriation increase to the Operating Budget

☐ Action provides increased revenue for appropriation increase

☐ Action requires use of contingency or reserves

☐ Other financial impact (Explain):

☐ Request provided to the Budget Office when provided to the Committee Coordinator

### **Background/Supporting Information Attached**

At the June 7, 2002 Council meeting, Council acted to approve the execution of the amendment pending satisfactory review by the City Attorney (see attached copy of Council action) based on the information provided below. After conferring with Hennepin County staff, City staff became aware that the County would require a formal City resolution before the County could complete the execution of the amendment. The City Attorney has completed the review and approved the execution of the amendment. Staff, therefore, respectfully requests that the attached resolution be forwarded with your recommendation for its passage and summary publication.

On February 27, 2001, the City entered into a Construction Cooperative Agreement with Hennepin County related to the County's reconstruction of Washington Avenue North (between Plymouth Avenue North to Hennepin Avenue). The reconstruction project included new pavement, curb & gutter, sidewalks, traffic signals, lighting, watermain and a new bridge over the Burlington Northern Santa Fe railroad tracks. Project began in the spring of 2001 and was completed by winter.

The agreement, among other things, defined the County's obligation to reimburse the City for permanent and temporary traffic control work that the City was to perform. It also defined the City's obligation to reimburse its share of the reconstruction (as stipulated by County policy) and to fund City requested water main construction (see table below).

During the County's construction administration of the contractor, several issues arose that have altered the City and County obligations. The City's Water Department requested (at City expense) that additional water main construction be performed. The cost of the water main work was \$132,609.42.

The County requested, at County expense, that the City install additional temporary traffic control in effort to ease unanticipated congestion that developed during construction. The cost of the temporary traffic control work was \$25,166.09.

During the review of the agreement's exhibits, it was discovered that the cost of a County requested, City furnished, traffic control signal systems had been inadvertently duplicated. This error reduced the County's obligation to the City by \$168,819.33.

Current project funding is sufficient to meet the City's increased financial obligation.

cc: Council Member Natalie Johnson Lee

**Colvin-Roy**

**AMENDMENT #1 TO THE CITY/COUNTY COOPERATIVE AGREEMENT  
FOR HENNEPIN COUNTY'S WASHINGTON AVENUE NORTH RECONSTRUCTION  
PROJECT  
(COUNTY AGREEMENT #PW 40-20-00)  
(CITY CONTRACT #16181)  
(CITY PROJECT SAP 141-020-63)**

Whereas, on February 27, 2001, the City of Minneapolis entered into a Construction Cooperative Agreement with Hennepin County related to the County's reconstruction of Washington Avenue North (between Plymouth Avenue North to Hennepin Avenue) and;

Whereas, the reconstruction project included new pavement, curb & gutter, sidewalks, traffic signals, lighting, watermain and a new bridge over the Burlington Northern Santa Fe railroad tracks and;

Whereas, the agreement, among other things, defined the County's obligation to reimburse the City for permanent and temporary traffic control work that the City was to perform and;

Whereas, the agreement also defined the City's obligation to reimburse its share of the reconstruction as stipulated by County policy and to fund City requested water main construction and;

Whereas, during the County's construction administration of the contractor, several issues arose that have altered the City and County obligations and;

Whereas, the City's Water Department requested that additional water main construction be performed at the City expense with an associated cost of \$132, 609.42 and;

Whereas, the County requested, at County expense, that the City install additional temporary traffic control in effort to ease unanticipated congestion that developed during construction with an associated cost of \$25,166.09 and;

Whereas, during the review of the agreement's exhibits, it was discovered that the cost of a County requested, City furnished, traffic control signal systems had been inadvertently duplicated which reduced the County's obligation to the City by \$168,819.33 and;

Whereas, the City Attorney office has reviewed and approved the amendment as to form and;

Whereas, current project funding is sufficient to meet the City's increased financial obligation.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis: that the proper City officers be authorized to execute Amendment No. 1 to the City's Cooperative Agreement with Hennepin County to reflect said project modifications.

**OFFICIAL PROCEEDINGS  
MINNEAPOLIS CITY COUNCIL  
REGULAR MEETING  
OF JUNE 7, 2002  
(Published June 15, 2002,  
in Finance and Commerce)**

Council Chamber

250 South 5th Street

Minneapolis, Minnesota

June 7, 2002 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Lane, Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, President Ostrow.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Washington Av N Reconstruction Project (between Plymouth Av N and Hennepin Av) that was completed in 2001 and having been informed that modifications to the project require changes in the project funding agreement with Hennepin County, now recommends that the proper City officers be authorized to execute Amendment No. 1 to the City's Cooperative Agreement with Hennepin County (County Agreement #PW 40-20-00 and City Contract #16181/City Project SAP 141-020-63) to reflect said project modifications. The amendment shall include an increase in City funding within the current project budget and execution of document is contingent upon review and approval of the City Attorney.

Adopted. Yeas, 13; Nays none.

Passed June 7, 2002.

Approved June 13, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

| ACCOUNTS PAYABLE SUMMARY              |                    |                   |                 |                   |                                |                   |
|---------------------------------------|--------------------|-------------------|-----------------|-------------------|--------------------------------|-------------------|
|                                       | Original Agreement |                   | Amendment #1    |                   | Change from Original Agreement |                   |
|                                       | Payable to City    | Payable to County | Payable to City | Payable to County | Payable to City                | Payable to County |
| Roadway                               | \$0                | \$11,074.50       | \$0             | \$11,074.50       | \$0                            | \$0               |
| Watermain                             | \$0                | \$310,886.00      | \$0             | \$443,495.42      | \$0                            | \$132,609.42      |
| Temporary & Permanent Traffic Signals | \$555,425.01       | \$0               | \$424,880.10    | \$0               | (\$130,544.91)                 | \$0               |
| Engineering Design                    | \$89,211.28        | \$123,696.69      | \$76,102.95     | \$123,696.69      | (\$13,108.33)                  | \$0               |
| Phase II Environ. Study               | \$0                | \$6,500.00        | \$0             | \$6,500.00        | \$0                            | \$0               |
| TOTAL                                 | \$644,636.29       | \$452,157.19      | \$500,983.05    | \$584,766.61      | (\$143,653.24)                 | \$132,609.42      |
|                                       |                    |                   |                 |                   |                                |                   |